

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
v.)
JOSEPH D. WHELISS, JR.,)

Case No. 3:11-cr-00229
Chief Judge Haynes

MOTION TO CONTINUE SENTENCING DATE

COMES NOW the Defendant, Joseph D. Wheliss, Jr., by and through his undersigned counsel, and respectfully requests that this Honorable Court enter an order continuing the sentencing hearing in the above-captioned case from Friday, January 11, 2013 at 3:00 p.m., to a date in March 2013. In support hereof, Defendant states as follows:

1. The sentencing hearing in this case is currently scheduled for Friday, January 11, 2013 at 3:00 p.m. (Docket Entry 19). This is the first setting for sentencing.

2. Undersigned counsel has three federal jury trials set on January 8, 2013 - two before Judge Sharp and one before Judge Trauger. It appears likely that one of these cases will proceed to trial. Additionally, undersigned counsel has a State drug conspiracy trial set to begin on January 14, 2013, as well as a multi-defendant federal gang case set to begin on January 29, 2013 before Senior Judge Nixon. The government anticipates that its proof alone in the gang case will take at least a month to present. The anticipated length of the gang case gives rise to counsel's suggestion of a March sentencing date in the *Wheliss* case.

3. Given these conflicts as well as the time needed to be adequately prepared for the various trials, counsel is compelled to seek this continuance.

4. Assistant United States Attorney Sandra Moses has authorized undersigned counsel

O'Neill
This motion
is GRANTED.
The hearing
will be reset
by
Separate
Order
S. O'Neill
12-19-12